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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,786	06/14/2000	Ivan Henri Robert Darius	SOL002	7757
25962 7590 12/31/2007 SLATER & MATSIL, L.L.P. 17950 PRESTON RD, SUITE 1000 DALLAS, TX 75252-5793			EXAMINER COLBERT, ELLA	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/593,786

Applicant(s)

DARIUS ET AL.

Examiner

Ella Colbert

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-6 are pending. Claim 1 has been amended in this communication filed 10/12/07 entered as Response to Non-Final Action.
2. The Claim Objections for claim 1 has been overcome by Applicant's amendments and is hereby withdrawn.
3. The 35 USC 112, second paragraph rejection has been overcome by Applicant's amendment to claim 1 and is hereby withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by (US 6,233,566) Levine et al, hereafter Levine.

Claim 1. Levine discloses, A method operative on a web server to facilitate a web-based information exchange between a broker and a set of wholesale lenders, comprising: exposing to the broker a-set-of at least one generic mortgage lender profile over said web-based information exchange, the at least one generic mortgage lender profile simultaneously exposing generic mortgage profile information for a plurality of different specific wholesale lenders (col. 3, lines 7-49); applying a given generic mortgage lender profile to data to identify a set of one or more specific wholesale lenders who meet criteria specified in the given data, responsive to entry by the broker

of the given data (col. 3, line 50-col. 4, line 32); and exposing to the broker a specific mortgage lender profile instantiated with a set of unique lender characteristics for use by the broker in completing a mortgage transaction over said web-based information exchange, responsive to selection by the broker of one of the specific wholesale lenders (col. 8, lines 18-65, col. 9, lines 21-52, and col. 10, line 54-col. 12, line 32).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,233,566) Levine et al, hereafter Levine in view of (US 2004/0002915) McDonald et al, hereafter McDonald.

Claim 2. Levine failed to disclose, The method as described in Claim 1 wherein the set of unique lender characteristics includes a rate sheet. McDonald discloses, The method as described in Claim 1 wherein the set of unique lender characteristics includes a rate sheet (page 5, col. 1 [0099] and page 7, col. 2 [0160]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of McDonald in Levine because such an incorporation would allow Levine to get the current rates from the broker/lender over the Internet or over the telephone.

Claim 3. Levine failed to disclose, The method as described in Claim 1 wherein the set of unique lender characteristics includes an eligibility matrix. McDonald discloses,

method as described in Claim 1 wherein the set of unique lender characteristics includes an eligibility matrix (page 6, col. 1 [0114], [0115], [0124], and [0125]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of McDonald in Levine because such an incorporation would allow Levine to know whether the broker/lender has a license to be a broker.

Claim 4. Levine and McDonald failed to disclose, The method as described in Claim 1 wherein the set of unique lender characteristics includes a lock sheet. Lock sheets are old and well-known in the art of mortgages and brokering. A broker lock sheet contains a lock date and lock period when the mortgage or loan is locked in at a certain percentage rate.

Claim 5. Levine failed to disclose, The method as described in Claim 1 further including the step of displaying to the broker mortgage rates and prices. McDonald discloses, The method as described in Claim 1 further including the step of displaying to the broker mortgage rates and prices (page 7, col. 2 [0166]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of McDonald into Levine because such an incorporation would allow Levine to Know if the loan is to be a "No Point, NoFee" and a calculation of applicable credits if any.

Claim 6. Levine discloses, The method as described in Claim 1 further including the step of having the broker lock a loan online (col. 15, lines 53-57).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cossette (US 6,920,434) disclosed a loan participation network.

Erlanger (US 2003/0055778) disclosed an efficient market for loans and lines of credit between lenders and persons seeking loans and lines of credit.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Wednesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 26, 2007


ELLA COLBERT
PRIMARY EXAMINER